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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/822,511 | 04/12/2004 | Simon C. Borst | 100.2503 | 3058 |
| 27997 | 7590 | 02/24/2005 | | |
| PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736 | | | EXAMINER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2681 | |

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/822511

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7/30/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☒ 3. Amendments to the drawings: See Attachment
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Mrs. Jones
Legal Instruments Examiner (LIE)

571-272-1591
Telephone No.

Rule 1.121(d) Requirements

- Any replacement drawing sheet which has amended figures must include all the figures appearing on the previous version of the sheet, unless one sheet of drawings was replaced by two
- The replacement drawing figure must not be labeled "amended"
- Replacement, new, and annotated sheets may be found as attachments to the amendment, or as attachments to a separate paper only addressing the drawing changes

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If one sheet of drawings was replaced by two sheets, the original sheet of drawings (e.g., sheet 2/2) would be labeled "Replacement" and have a new sheet number 2/3, and the new sheet (e.g., sheet 3) would be labeled "new" and have the sheet number 3/3. See 37 CFR 1.84(t) for information about numbering sheets of drawings. If one sheet is replaced by two or more sheets other than at the end of the sequence of drawing sheets, the remaining sheets of drawings should be renumbered.

Sheet Labels

- All drawing sheets submitted after filing must be labeled in the top margin
 - Changed sheets must be labeled “Replacement Sheet”
 - New sheets must be labeled “New Sheet”
 - Sheets with marked-up copies of the figures must be labeled “Annotated Sheet”
 - Any label including the word “annotated” is okay